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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VIA LICENSING CORPORATION,

Plaintiff,

v.

HAIER AMERICA TRADING, LLC

Defendant.

Case No. 3:17-cv-03485-RS

JOINT STIPULATION AND
~~PROPOSED~~ ORDER MODIFYING
CASE MANAGEMENT SCHEDULING
ORDER

1 WHEREAS, on June 15, 2017, Via Licensing Corporation (“Via”) filed a Complaint for
2 Breach of Contract Seeking Damages and Specific Performance (the “Complaint”) against Haier
3 America Trading, LLC (“Haier”) in the above entitled action;

4 WHEREAS, on December 14, 2017, the Court entered a Case Management Scheduling
5 Order setting a trial date of December 10, 2018 and a number of interim deadlines, including a
6 mediation deadline of April 13, 2018 and a close of fact discovery deadline of April 13, 2018;

7 WHEREAS, the Court has not previously modified its Case Management Scheduling
8 Order, but, after Haier made an appearance in this case, the Court granted Via’s Unopposed Motion to
9 Set Aside the Default Entered Against Haier America Trading, LLC, to Extend Defendant’s Time to
10 Respond to the Complaint, and to Continue the Case Management Conference and Related Deadlines
11 (Dkt. Nos. 19, 20), and further granted a stipulation extending Haier’s time to answer the Complaint by
12 one week (Dkt. Nos. 22, 23);

13 WHEREAS, Via served its First Set of Requests to Produce Documents on November 17,
14 2017, and since that time has served additional requests for documents and interrogatories.

15 WHEREAS, Haier has also served discovery in this action, including two sets of requests
16 to produce documents and a set of interrogatories;

17 WHEREAS, Via and Haier (together, the “Parties”) have spent several months actively
18 negotiating on discovery, but the vast majority of the discovery remains outstanding, and Via and Haier
19 agree that discovery cannot now realistically be completed by the April 13, 2018 deadline currently
20 imposed by the Case Management Scheduling Order;

21 WHEREAS, the parties had agreed in their Joint Case Management Scheduling Order
22 dated December 7, 2017 that Via is entitled to “an inspection of Haier America’s books and records,
23 pursuant to Section 4.7 of the AAC PLA,” and “agreed to cooperate in commencing an audit on
24 December 6, 2017, or soon thereafter, and facilitating its completion within a month,” but that audit is
25 not yet complete;

26 WHEREAS, the Case Management Scheduling Order foresees that the Parties will
27 engage in ADR mediation by April 13, 2018, but the Parties agree that mediation efforts will be more
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productive after the audit required by Section 4.7 of the AAC PLA and additional discovery have been completed;

WHEREAS, on March 20, 2018, Haier filed a Motion to Stay Action, which Via opposed, seeking to stay the action pending the outcome of an audit;

WHEREAS, on April 9, 2018, the Court issued its order denying Haier's Motion to Stay Action (Dkt. No. 51).

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the Parties, by and through their respective, counsel, that:

1. The deadlines in the Case Management Scheduling Order of December 14, 2017 should be modified as follows:

Event	Current Deadline	Proposed New Deadline
Case Management Conference	April 26, 2018	April 26, 2018 (unchanged)
ADR Mediation Deadline	April 13, 2018	May 31, 2018
Fact Discovery Cut-Off	April 13, 2018	June 13, 2018
Expert Reports and Disclosures	May 4, 2018	July 2, 2018
Rebuttal Expert Reports and Disclosures	May 25, 2018	July 25, 2018
Expert Discovery Cut-Off	June 29, 2018	August 29, 2018
Deadline for Hearings on Pretrial Motions	October 4, 2018	October 4, 2018 (unchanged)
Pretrial Conference	November 29, 2018	November 29, 2018 (unchanged)
Jury Trial	December 10, 2018	December 10, 2018 (unchanged)

Dated: April 11, 2018

/s/ Laura Kabler Oswell

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7 *Attorneys for Plaintiff VIA LICENSING*
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9 Dated: April 11, 2018

10 /s/ Jon L. Rewinski (with permission by LKO)

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19 In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests that
20 concurrence in the filing of this document has been obtained from the other signatories above.

21 /s/ Laura Kabler Oswell
22 Laura Kabler Oswell

~~PROPOSED~~ ORDER

PURSUANT TO THIS STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated: 4/11/18


The Honorable Richard Seeborg
United States District Court Judge